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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

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Application Number

10/051,000

Filed

01/22/2002

First Named Inventor

FRANK J. SNOW

Art Unit

3629

Examiner

NARESH VIG

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- ☒ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
- ☐ attorney or agent of record.
Registration number _____
- ☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Frank J. Snow

Signature

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14 OCTOBER 2005

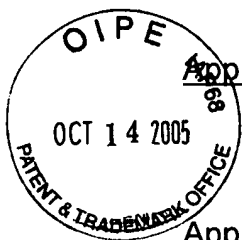
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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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In the United States Patent and Trademark Office

Application Number: 10/051,000

Confirmation Number: 7785

Filing Date: 01/22/2002

Date Notice Mailed: 09/16/2005

Applicant: Frank J. Snow

Date of Response to Notice Delivery: 10/14/05

Application Title: Lunar and planetary land property allocation system and method.

Examiner/GAU: VIG, NARESH / 3629

USPTO Customer Service Window, ATTN: Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir: This request is submitted in response to Office Action Summary Notice - FINAL mailed 09/16/2005.

Very respectfully,

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Certificate of Delivery: I certify that on the date below I will deliver this paper to the U.S. Patent and Trademark Office.

14 October 2005

Frank J. Snow

Pre-Appeal Brief Request for Review

Introduction

This brief covers an appeal response to the USPTO after applicant's receipt of a final rejection of claims 17 and 18 of patent application entitled LUNAR AND PLANETARY LAND PROPERTY ALLOCATION METHOD AND SYSTEM. The original patent application contains 18 claims, of which the first 16 claims were cancelled by applicant upon applicant receipt of a non-final rejection of all 18 claims. Original claims 17 and 18 were retained as part of applicant's response to the USPTO non-final rejection action.

Claim 17 is an independent claim that covers a method of doing business invention in which a documentation package including a Deed of Claim for a specific lunar land parcel and related map and photographic imagery are offered for sale. Claim 18 is its dependent claim in which the business method is extended to include Mars and other planetary land property parcels.

Deed of Claim Concept

Claim 17 clearly states that the Deed of Claim does not convey property. Claim 17 further makes clear that such Deed of Claim has a potential for future conversion by the US Government to a deed of ownership. A complete rationale for such a potential is delineated in the Specification component of the subject patent application.

Restating the rationale in summary form: The US NASA Apollo Manned Lunar Landing Program conducted in the 1960-1970 time-frame resulted in the exploration and survey of the Moon. Such an accomplishment by a respected sovereign nation traditionally enables such nation, if it so chooses, to make a territorial claim. The term "respected" is included here so as to refer to a nation that has a "respected" military capability.

As a result, the US Government can and may at some future time claim lunar territory. If it chooses to take such action of claim, immediate multiple benefits to the US Government would include: 1) demonstration of US land claim legitimacy by choosing to honor outstanding Deeds of Claim, i.e., converting deeds of claim to deeds of ownership; 2) precluding claim actions to US desired lunar land areas by competitor nations; and 3) US taxation of deed defined lunar parcels to provide a new source of federal revenue.

Novelty of Lunar Land Subdivision Approach

Applicant has subdivided the moon into six major regions, of which the north polar

region is all land located north of 45 degrees North Latitude and the south polar region is all land located south of 45 degrees South Latitude. The remaining four major regions are centered about the lunar equator and of equal size.

The novelty of this specific regional subdivision is based upon an original location and sizing of Region 1 so that Region 1 is a specific square, in terms of equal latitude and longitude dimensions, that desirably encompasses all six Apollo lunar landing sites and also enables regional subdivision into six unequally sized and located uniquely specific rectangular sections, each of which contains just one lunar landing site.

This introduction is intended to provide the framework for applicant's argument that the prior art of MoonShop and Galaty cannot and should not be used as the basis for a 103 rejection of the subject patent application.

Applicant Assertion of MoonShop Priori Art Invalidity

MoonShop is Different from Applicant

MoonShop's website presents that it legally owns the moon, that it offers to legally sell lunar land parcels, and that it legally conveys ownership of a lunar parcel to a lunar parcel purchaser by means of a MoonShop provided Lunar Deed. MoonShop does the same for Mars.

Applicant states, in his specification and claims, that he does not own the Moon, that he does not offer to sell lunar land parcels, and he does not convey ownership of a lunar parcel to an offer purchaser by means of the Deed of Claim. Applicant does the same for Mars.

Applicant asserts that the contents and presentations of MoonShop website are substantially different from the contents and presentations of applicant's present

invention, and therefore MoonShop teaches away from applicant's present invention. As a result, examiner use of the prior art of MoonShop as a basis of the subject patent application is both improper and invalid.

Applicant Assertion of Galaty Prior Art Invalidity

Galaty is a Textbook that Includes Methods of Property Subdivision

Applicant offers that the examiner cited prior art of Galaty is essentially a textbook covering the first principles of real estate practice. Applicant further offers that Galaty competently includes accepted alternative methods of property subdivision and the resultant maps and charts that serve as legally accepted delineations of property size, shape and location. To the above described extent, Galaty serves as a tool for the legal description and conveyance of property.

Applicant asserts that examiner citation of the prior art of Galaty as a basis for a 103 rejection of applicant's claimed lunar subdivision is both improper and invalid because applicant presents a novel and specific lunar subdivision delineation.

This delineation is based upon a novel rationale in which a region is sized and located so that it can be subdivided into six differently sized and located sections, wherein each section contains one Apollo lunar landing site. It is this specific delineation of lunar land subdivision that is included in claim 17.

Applicant asserts that examiner application of the prior art of Galaty to a 103 rejection of the above component of claim 17 is both improper and invalid as examiner has applied impermissive hindsight by one skilled in the art (of real estate conveyance) to conclude that the specifically claimed subdivision delineation, based upon the location of Apollo Spacecraft Program lunar landing sites, would be obvious to one skilled in the art.

Applicant Assertion of 103 Rejection Invalidity

Absence of Motivation for Combining MoonShop and Galaty

Applicant asserts that examiner is in error with respect to the application of the rationale that one skilled in the art (of real estate in general and legal conveyance of land property) would be motivated to combine MoonShop and Galaty, and so arrive at applicant's invention method of doing business.

Applicant offers that "one skilled" would recognize that MoonShop's business method is inherently illegal. MoonShop claims to both own the Moon and have the ability to offer lunar property for sale. Applicant asserts that, in accordance with the knowledge of "one skilled" in national and international law as related to planetary property ownership, MoonShop cannot and does not legally own the Moon, and therefore cannot legally offer lunar land for sale.

As a result of the above rationale, MoonShop is "illegal". However, Galaty is "legal". Galaty's textbook presents real estate principles and practices considered to be legally acceptable.

Applicant therefore offers that "one skilled" would recognize that the combination of an illegal entity (MoonShop) with a legal entity (Galaty) remains an illegal entity. As a result, it should be anticipated that "one skilled" would not be motivated to combine MoonShop and Galaty and so provide a basis for the 103 rejection of applicant's present business method invention.

Conclusion

Applicant respectfully submits that, for all of the above presentations, the present invention business method fully satisfies patent application allowance criteria.